



Approved for Distribution
/s/ Beverly R. Cameron

MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Raymond P. Ocel, Jr., Director of Planning and Community Development
DATE: July 12, 2011
RE: Zoning Ordinance Text Amendment-Adjustments to Residential Zoning Districts

ISSUE:

Should City Council adopt the residential zoning amendments prepared by staff and Clarion and Associates?

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the residential zoning amendments as shown in the City Attorney's ordinance.

PLANNING COMMISSION RECOMMENDATION:

At its June 8th public hearing, the Planning Commission, by a vote of 7-0, recommended approval of the text amendment as presented. The Commission did not raise any questions in regard to the amendment, as members previously attended the worksessions with staff and the City Council.

During the public hearing portion of the meeting, the Commission did not receive any comments from the public regarding the amendments.

BACKGROUND:

Amongst the many goals, policies and initiatives of the 2007 Comprehensive Plan, language to address the issue of the need to provide regulations to prohibit out of scale housing in the older, more traditional neighborhoods of the City is noted in several sections. Many older houses do not contain the amenities that modern houses contain, thus many older houses are being remodeled, expanded or razed and replaced with larger ones. For example, a newer two story house along with its larger footprint may not always fit in with the existing established neighborhood. Although the sizes of lots are the same, the new house structure/footprint is larger.

Based upon the many comments gathered through the Comprehensive Plan update process, the 2007 Plan addresses out of scale houses in the Neighborhoods and Housing sections in the following manner:

Goals for Neighborhoods

Goal 1: Neighborhood Character

Preserve the character of the City's existing neighborhoods.

Policies for Neighborhoods

1. Maintain, enhance and improve the character of older neighborhoods. Neighborhood conservation measures should be pursued to help address redevelopment pressures and prohibit new development that is out-of-character with existing neighborhoods.

Initiatives for Neighborhoods

1. Analyze neighborhood characteristics and amend the Zoning Ordinance as needed to protect older neighborhoods that are now being threatened by inappropriate redevelopment.
2. Consider measures to discourage and limit the tear-down of existing residential structures, including a mechanism to limit the construction/expansion of dwellings in a manner that would be out-of-scale with the surrounding neighborhood or lots.

Housing Policy # 14

1. Assure that infill development is compatible with established neighborhoods in terms of mass, scale and height.

Housing Initiative # 1

Consider measures to discourage and limit the tear-down of existing residential structures, including a mechanism to limit the construction/expansion of dwellings in a manner that would be out-of-scale with the surrounding neighborhood.

ANALYSIS:

The trend in average house size growth from 1950 to 2000 is significant. The average house size in 1950 was 983 sq. ft. By the year 2000, the average house size increased to 2,265 sq. ft. During the same time the average ceiling height increased from 8' to 10'.

During the process to update the Comprehensive Plan, character and construction/expansion of single family detached dwellings in a manner deemed to be out-of-scale with the surrounding neighborhood, was a well discussed topic. This included building on vacant lots, razing houses and building larger houses in their place, and large additions to existing houses. Oversized houses normally occur in a desirable neighborhood with appreciating values but with houses that some consider dated without modern amenities. Buyers want their houses to be consistent with land values even if that means

tearing down the existing house. On the other hand, the City's older neighborhoods are a critical component of the City's identity and its residents want it to continue that way.

To address this issue, local governments have responded by ensuring that teardowns are replaced with houses that are compatible with the neighborhood while accommodating modernization and additions to houses by addressing negative impacts or incompatibilities. Preventing loss of open space, green areas and mature trees to new construction has also been a component of some jurisdictions' review. Specifically, jurisdictions have taken action to adjust setback regulations, lowered building heights, reduce maximum lot coverage, require certain house orientations, adopt overlay districts (where permitted by state law) and adopt building volume ratios or landscape volume ratios.

To develop relevant regulations for the City, staff secured the services of Clarion Associates to assist in drafting specific Zoning Ordinance regulations. These proposed regulations address housing scale, as well as residential parking requirements in in-fill areas of the City, permitting non-residential uses in residential areas, and measuring heights of structures located within a 100-year floodplain.

The attached document provides the background and analysis for the aforementioned regulations. These regulations were discussed at the joint City Council/Planning Commission worksession held on January 25th.

ATTACHMENT:

Proposed Amendments to Zoning Ordinance-Clarion Proposal



MOTION:
SECOND:

July 12, 2011
Regular Meeting
Ordinance No. 11-__

RE: ADDRESSING THE ISSUE OF OUT-OF-SCALE HOUSES IN THE R-4 AND R-8 ZONING DISTRICTS; REMOVING THE REQUIREMENT FOR OFF-STREET PARKING FOR NEW RESIDENCES ON INFILL LOTS; EXPANDING THE USES PERMITTED BY SPECIAL USE PERMIT IN THE R-4 AND R-8 ZONING DISTRICTS; AND AMENDING THE DEFINITION OF BUILDING HEIGHT FOR BUILDINGS IN THE 100-YEAR FLOODPLAIN; BY AMENDING CITY CODE CHAPTER 78, "ZONING, PLANNING AND DEVELOPMENT," ARTICLE III, "ZONING," SECTIONS 78-1, 78-112, 78-242, 78-245, 78-273 AND 78-276.

ACTION: Ayes: ; Nays:

FIRST READ: _____

SECOND READ: _____

IT IS HEREBY ORDAINED by the City Council of the City of Fredericksburg, Virginia, that City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," shall be amended as follows:

SEC. I. City Code Amendment.

1. Sec. 78-1 Definitions.

Height, building, means the vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than ten feet from the front lot line, or from the grade in all other cases. *For properties that are located within the 100-year regulatory floodplain, structure height shall be measured from existing grade.*

2. 78-112 General regulations for parking and loading facilities.

. . .

(9) Except as otherwise specified in this chapter, off-street parking spaces in C districts and I districts may be located in required yard areas, provided that each parking space is set back at least ten feet from any front yard lot line, and five feet from any side or rear yard lot line. The zoning administrator shall have the authority to issue a written waiver of the requirements of this subsection for infill lots within the city. *No off-street parking is required for residential infill lots.* For purposes of this division, the term "infill lot" shall mean a lot of record existing on or before April 25, 1984, or a vacant lot in a developed area where yard geometry has already been established by existing residential dwellings and development patterns.

3. 78-242 Uses permitted by special use permit [in the R-4 zoning district]

Uses permitted by special use permit in R-4 districts are as follows:

- (1) Cemeteries.
- (2) Churches.
- (3) Reserved.
- (4) Colleges and universities.
- (5) Libraries.
- (6) Museums and shrines.
- (7) Plant nurseries, excluding the sale of nursery products on the premises.
- (8) Child care centers.
- (9) Private schools and related uses.
- (10) Public schools, parks, playgrounds, athletic fields and related uses.
- (11) Public utility uses.
- (12) Swimming pools, private.
- (13) Bed and breakfast lodgings.
- (14) Community buildings.
- (15) Branch governmental offices and substations.
- (16) Nursery schools.
- (17) Post offices.
- (18) Homes for adults, with four people or fewer, as per state code.
- (19) *The following uses are permitted by special use permit for those parcels located in R-4 district that are shown on the map entitled, "Permitted Non-Residential Uses" provided that the Design Standards listed below are met:*

a. Medical, dental, and other related offices.

b. Eating establishments.

c. Pharmacies.

d. Quick-service food stores

e. Barbershop, beauty parlor, tailor, dressmaking, shoe repair, Laundromat and dry cleaning establishment (without cleaning plant on premises.

f. Repair service establishment containing no more than 1000 square feet of gross floor area.

g. Other uses determined the City Council to be consistent and compatible with these standards and uses.

Neighborhood Commercial Design Standards:

Commercial development in the R-4 zoning district shall comply with the following standards.

(1) Location

Non-residential uses are permitted only on corner lots, or along arterial street frontages.

(2) Off-Street Parking Areas

Off-Street Parking Location shall comply with the following standards:

(a) All required off-street parking shall be provided on the side or rear of the building.

(b) A single-loaded parking bay shall be permitted between a building and the street it faces when the building contains two or more useable floors.

(3) Roofs

(a) New buildings shall use similar style roof types to maintain compatibility with surrounding residential uses.

(b) Consistency in roof forms with adjacent buildings shall be addressed by using varying heights and proportions.

(c) A flat roof shall only be permitted for new buildings located between two existing buildings with flat roofs.

(4) Drive-thrus Prohibited

Drive-thrus are not permitted for commercial developments within R-4 zoning district.

(5) Building Placement

Principal buildings shall be oriented towards the street from which they derive their street address.

(6) Building Setback

Building setbacks shall be consistent with other buildings on the block face and across the street to maintain a consistent plane or edge of buildings along public frontages. Building setbacks shall vary no more than ten percent than the adjacent buildings setbacks.

(7) Building Height

Buildings on lots adjacent to single-family detached dwellings shall maintain the same height as the dwelling, or be stepped-back from the lot line such that the lowest portion of the building is the portion closest to the single-family detached dwelling. No building within 150 feet of a single-family detached dwelling shall exceed 35 feet in height. In instances when buildings or portions of buildings are allowed to exceed 35 feet in height, they shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family detached dwellings.

(8) Service and Loading Area Location and Screening

Separate service related activities associated with commercial uses shall be located behind or to the sides of buildings away from the adjacent residential uses, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network. Outdoor storage, trash collection, and loading areas shall not be visible from public or private rights-of-way.

(9) Parking and Driveways

When required, off-street parking shall be established in one of the following locations (listed in priority order):

(a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

(b) Adjacent to lot lines abutting nonresidential development;

(c) Adjacent to lot lines abutting mixed-use development;

(d) On a lot's corner side;

(e) Behind the principle building;

(f) In front of the building; or

(g) Adjacent to lot lines abutting single-family detached dwellings.

(10) One-half of the required minimum parking for a use shall be waived.

4. 78-245 Bulk regulations [in the R-4 district].

Bulk regulations for R-4 districts are as follows:

(1) Maximum building height:

a. Single-family dwellings, 35 feet.

b. All other structures, ~~60~~ 30 feet.

c. For sites of record on or before April 25, 1984, or sites in developed areas where a pattern of building height has already been established by existing residential dwellings, the maximum building height of 35 feet for single family dwellings shall be reduced by a percentage that corresponds to the ratio of the actual lot area to the minimum lot area for the district. The formula for calculating the maximum building heights for structures on such lots shall be as follows: Size of lot (in square feet) divided by standard minimum lot size (8,400 square feet) multiplied by the standard height of 35 feet equals the new maximum height. In no case shall the new maximum height be set lower than 25 feet.

d. For sites of record on or before April 25, 1984, or sites in developed areas where a pattern of building height has already been established by existing structures, the maximum building height for structures other than single-family dwellings shall be 30 feet.

(2) Minimum yard requirements:

a. Conventional subdivision site:

1. Front yard, 30 feet.
2. Side yard, ten feet.
3. Rear yard, 25 feet.

b. Cluster subdivision site:

1. Front yard, 24 feet.
2. Side yard, eight feet.
3. Rear yard, 25 feet.

c. For sites of record on or before April 25, 1984, or sites in developed areas where yard geometry has already been established by existing structures and development patterns:

1. Front yard: Front yard: The average of the existing front yard setbacks of the residential dwellings shall be calculated using the average front yard setbacks of the existing residential dwellings located on similar size lots, along the block face and facing block face of the lot in question.

2. Side yard: Side yard: The average of the existing side yard setbacks of the residential dwellings shall be calculated using the average side yard setbacks of the existing residential dwellings located on similar size lots, along the block face and facing block face of the lot in question.

3. Whenever the front or side yard setback standards set forth in this subsection are not applicable, the zoning administrator shall establish the appropriate setback by determining the average of the existing setbacks of all of the residential dwellings in the two predominantly residential blocks that are closest to the site in question.

4. *Whenever the residential building on a lot equal to or larger than the minimum lot size covers more than 20% of the total lot area, the side setbacks shall be no less than 10 feet.*

5. 78-273. Uses permitted by special use permit [in the R-8 zoning district].

Uses permitted by special use permit in R-8 districts are as follows:

- (1) Cemeteries
- (2) Churches
- (3) Colleges and universities
- (4) Libraries
- (5) Museums and shrines
- (6) Private schools and related uses
- (7) Public schools and related uses
- (8) Public utility uses
- (9) Swimming pools
- (10) Bed and breakfast lodging in detached dwellings
- (11) Commercial swimming pools and tennis courts
- (12) Community buildings
- (13) Conference centers and retreat houses operated by religious or nonprofit organizations
- (14) Boardinghouses
- (15) Branch governmental offices and substations
- (16) Nursery schools
- (17) Post offices
- (18) Fire stations
- (19) Golf courses
- (20) Child care centers
- (21) Hospitals
- (22) Housing for the elderly
- (23) Institutional housing
- (24) Funeral chapels
- (25) Private clubs
- (26) Community association facilities
- (27) Dormitories
- (28) Fraternity and sorority houses
- (29) Parking lots

- (30) Cultural art centers and related facilities
- (31) Conversions of existing single-family detached dwellings and nonresidential structures to two-family or multiple-family dwellings
- (32) *The following uses are permitted by special use permit for those parcels located in R-8 district that are shown on the map entitled, "Permitted Non-Residential Uses" provided that the Design Standards listed below are met:*

- a. Medical, dental, and other related offices.*
- b. Eating establishments.*
- c. Pharmacies.*
- d. Quick-service food stores*
- e. Barbershop, beauty parlor, tailor, dressmaking, shoe repair, Laundromat and dry cleaning establishment (without cleaning plant on premises.*
- f. Repair service establishment containing no more than 1000 square feet of gross floor area.*

Neighborhood Commercial Design Standards:

Commercial development in the R-8 zoning district for these uses shall comply with the following standards.

(1) Location

Non-residential uses are permitted only on corner lots, or along arterial street frontages.

(2) Off-Street Parking Areas

Off-Street Parking Location shall comply with the following standards:

- (a) All required off-street parking shall be provided on the side or rear of the building.*
- (b) A single-loaded parking bay shall be permitted between a building and the street it faces when the building contains two or more useable floors.*

(3) Roofs

- (a) New buildings shall use similar style roof types to maintain compatibility with surrounding residential uses.*
- (b) Consistency in roof forms with adjacent buildings shall be addressed by using varying heights and proportions.*
- (c) A flat roof shall only be permitted for new buildings located between two existing buildings with flat roofs.*

(4) Drive-thrus Prohibited

Drive-thrus are not permitted for commercial developments within R-4 zoning district.

(5) Building Placement

Principal buildings shall be oriented towards the street from which they derive their street address.

(6) Building Setback

Building setbacks shall be consistent with other buildings on the block face and across the street to maintain a consistent plane or edge of buildings along public frontages. Building setbacks shall vary no more than ten percent than the adjacent buildings setbacks.

(7) Building Height

Buildings on lots adjacent to single-family detached dwellings shall maintain the same height as the dwelling, or be stepped-back from the lot line such that the lowest portion of the building is the portion closest to the single-family detached dwelling. No building within 150 feet of a single-family detached dwelling shall exceed 35 feet in height. In instances when buildings or portions of buildings are allowed to exceed 35 feet in height, they shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family detached dwellings.

(8) Service and Loading Area Location and Screening

Separate service related activities associated with commercial uses shall be located behind or to the sides of buildings away from the adjacent residential uses, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network. Outdoor storage, trash collection, and loading areas shall not be visible from public or private rights-of-way.

(9) Parking and Driveways

When required, off-street parking shall be established in one of the following locations (listed in priority order):

- (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;*
- (b) Adjacent to lot lines abutting nonresidential development;*
- (c) Adjacent to lot lines abutting mixed-use development;*
- (d) On a lot's corner side;*
- (e) Behind the principle building;*
- (f) In front of the building; or*
- (g) Adjacent to lot lines abutting single-family detached dwellings.*

(10) One-half of the required minimum parking for a use shall be waived.

6. 78-276 Bulk regulations [in the R-8 district].

Bulk regulations for R-8 districts are as follows:

- (1) Maximum building height:

- a. Single-family dwellings, 35 feet.
- b. All other structures, ~~60~~ 30 feet.
- c. *For sites of record on or before April 25, 1984, or sites in developed areas where a pattern of building height has already been established by existing residential dwellings, the maximum building height of 35 feet for single family dwellings shall be reduced by a percentage that corresponds to the ratio of the actual lot area to the minimum lot area for the district. The formula for calculating the maximum building heights for structures on such lots shall be as follows: Size of lot (in square feet) divided by standard minimum lot size (8,400 square feet) multiplied by the standard height of 35 feet equals the new maximum height. In no case shall the new maximum height be set lower than 25 feet.*
- d. *For sites of record on or before April 25, 1984, or sites in developed areas where a pattern of building height has already been established by existing structures, the maximum building height for structures other than single-family dwellings shall be 30 feet.*

(2) Minimum yard requirements:

- a. Conventional subdivision site:
 - 1. Front yard, 30 feet.
 - 2. Side yard, ten feet.
 - 3. Rear yard, 25 feet.
- b. Cluster subdivision site:
 - 1. Front yard, 24 feet.
 - 2. Side yard, eight feet.
 - 3. Rear yard, 25 feet.
- c. For sites of record on or before April 25, 1984, or sites in developed areas where yard geometry has already been established by existing structures and development patterns:
 - 1. Front yard: The average of the existing front yard setbacks of the residential dwellings shall be calculated using the average front yard setbacks of the existing residential dwellings located on similar size lots, along the block face and facing block face of the lot in question.

2. Side yard: Side yard: The average of the existing side yard setbacks of the residential dwellings shall be calculated using the average side yard setbacks of the existing residential dwellings located on similar size lots, along the block face and facing block face of the lot in question.
3. Whenever the front or side yard setback standards set forth in this subsection are not applicable, the zoning administrator shall establish the appropriate setback by determining the average of the existing setbacks of all of the residential dwellings in the two predominantly residential blocks that are closest to the site in question.
4. *Whenever the residential building on a lot equal to or larger than the minimum lot size covers more than 20% of the total lot area, the side setbacks shall be no less than 10 feet.*

SEC. III. Effective Date.

This ordinance shall be effective immediately.

Approved as to form:

Kathleen Dooley, City Attorney

CERTIFICATION: